

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

409I0391

## HOUSE BILL NO. 1086

Introduced by: Representatives Murschel, Deadrick (Thomas), Engels, Gillespie, Madsen, McCaulley, and Michels and Senators de Hueck, Abdallah, Bogue, Knudson, Moore, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise the exception for a patient's privilege on  
2 confidential communications with physicians and psychotherapists.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 19-13-11 be amended to read as follows:

5 19-13-11. The privilege under § 19-13-7 as to a communication relevant to an issue of the  
6 physical, mental, or emotional condition of the patient is waived at trial or for the purpose of  
7 discovery under chapter 15-6 in any proceeding in which the condition is an element of the  
8 patient's claim or defense or, after the patient's death, in any proceeding in which any party relies  
9 upon the condition as an element of a claim or defense.

